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October 19, 2023

VIA ECF

United States District Court
Eastern District of New York
Attn: Hon. James M. Wicks, U.S.M.J.
100 Federal Plaza, Courtroom 1020
Central Islip, NY 11722-4438

Re: Superb Motors Inc., et al. v. Deo, et al.
Case No.: 2:23-cv-6188 (JMW)

Dear Judge Wicks:

This firm represents Plaintiffs Superb Motors Inc. (“Superb”), Team Auto Sales LLC (“Team”), and Robert Anthony Urrutia (“Urrutia”) (Superb, Team, and Urrutia collectively hereinafter the “Moving Plaintiffs”) in the above-referenced case.

The Moving Plaintiffs write in compliance with this Court’s Minute Order related to the Initial Conference held on and dated October 17, 2023 (see ECF Docket Entry [69](#)) to bundle file the motion papers regarding the scope or clarification of the preliminary injunction entered by the Hon. Orelia E. Merchant, U.S.D.J. (“Judge Merchant”).

On September 29, 2023, Judge Merchant issued a preliminary injunction (the “Order”) against the Deo Defendants. See ECF Docket Entry [55](#). On October 2, 2023, Plaintiffs timely complied with the Order by submitting a declaration certifying that they have obeyed it; Plaintiffs also sought clarification as to the scope of the preliminary injunction, and requested related relief pertaining to same. See ECF Docket Entries [56](#), [56-1](#), and [56-2](#). See copy of letter with accompanying exhibits annexed hereto as **Exhibit “A.”**

Specifically, the Moving Plaintiffs respectfully request that they provide, in addition to that which is required under the Order, date-stamped photographs of the vehicles and the odometer reading for each of the vehicles. The Moving Plaintiffs are prepared to do the same. Further, the Moving Plaintiffs noted that as Judge Merchant continued to assess the scope and terms of the Order,¹ there remain forty-three (43) vehicles unaccounted for. Indeed, of the eighty-nine (89), twenty-eight (28) have been recovered,² six (6) are in the Deo Defendants’ possession, and twelve (12) other vehicles’ whereabouts have been ascertained, leaving the remaining forty-three (43) vehicles in limbo as they are not specifically referenced in the Order.

¹ See Conn. Office of Prot. & Advocacy for Persons with Disabilities v. Hartford Bd. of Educ., 464 F.3d 229, 245 (2d Cir. 2006) (“District courts have broad authority in crafting equitable remedies such as injunctions”) (cleaned up).

² Two (2) additional vehicles not on the original list of eighty-nine (89) were separately recovered.

In light of the Order, the Moving Plaintiffs requested that the Court should require the Deo Defendants to return the remaining vehicles, and – to the extent they are unable to do so – conduct an evidentiary hearing³ to adduce evidence as to their whereabouts.

On October 2, 2023, the Deo Defendants sought an extension of time to comply with their obligations under the Order. See ECF Docket Entry [57](#). On October 3, 2023, rather than certifying compliance, the Deo Defendants submitted a declaration explaining why they cannot comply with the Order, and – in fact – the Deo Defendants surrendered the Northshore Lot on September 26, 2023, after. See ECF Docket Entries [58-59](#). These documents are annexed hereto as **Exhibit “B.”**

The same day, Plaintiffs submitted a letter response in opposition to the Deo Defendants’ requests. See ECF Docket Entries [63](#) and [63-1](#). This letter is annexed hereto as **Exhibit “C.”**

Based on the foregoing, the Moving Plaintiffs respectfully request the relief set forth in their October 2, 2023 and October 8, 2023 letters. The Moving Plaintiffs thank this Court for its time and attention to this case.

Dated: Lake Success, New York
October 19, 2023

Respectfully submitted,

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³ The Moving Plaintiffs sought as part of their emergency relief expedited discovery. While this Court denied that relief in its decision on their motion for a temporary restraining Order, it should provide this relief in relation to the preliminary injunction issued so that the Moving Plaintiffs may avail themselves of discovery to, *inter alia*, subpoena third parties and issue appropriate demands to the Defendants to learn of their whereabouts.

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